

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YONGJAE KIM,

Plaintiff,

-v-

JOSHUA ERIC STEWART, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 2500 (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

The Court has reviewed the parties' Proposed Joint Pre-Trial Order (ECF No. 59 (the "JPTO")) and identified the deficiencies detailed below. Accordingly, by **May 28, 2021**, the parties shall file a corrected JPTO that addresses the following:

1. Defendants indicate that they "intend to read portions of Plaintiff's testimony" in support of their case in chief (JPTO at 6),¹ but do not specify the testimony they intend to offer. As set forth in the Court's Individual Practices in Civil Cases (the "Individual Rules"), any deposition testimony to be offered in a party's case in chief must be referenced in the JPTO by "page and line numbers." (Individual Rule IV(C)(9)). Accordingly, Defendants shall appropriately designate any portion of Plaintiff's testimony that they intend to offer into evidence. Additionally, Plaintiff shall specify "any cross-designations and objections." (Id.) "If there is no objection or cross-designation, the Court will deem [Plaintiff] to have waived any such objection or cross-designation. (Id.)
2. Defendants do not indicate whether they object to any of Plaintiff's anticipated exhibits. (JPTO at 6–9). The Court's Individual Rules provide that "[a]ny objection not

¹ Page numbers refer to the ECF page numbering, as the JPTO lacks page numbers.

listed [in the JPTO] shall be deemed waived.” (Individual Rule IV(C)(10)). Accordingly, Defendants shall indicate whether they object to any of Plaintiff’s exhibits and, if so, shall briefly specify, next to the listing for that exhibit, the nature of the objection.

(Id.)

3. Plaintiff indicates that it does not object to Defendants’ anticipated exhibits “a” through “g”. (JPTO at 10). Plaintiff has not stated its position as to Defendants’ anticipated exhibits “h” through “i”. Accordingly, Plaintiff shall indicate its position as to Defendants’ anticipated exhibits “h” through “i” and, if it objects to any, shall briefly specify the nature of each objection. (Individual Rule IV(C)(10)).
4. The JPTO’s section numbering is inconsistent. The section numbers begin at “1” and proceed to “8,” after which they begin at “1” again. The corrected JPTO shall contain consistent section numbering.
5. On page 10 of the JPTO, the word “Brooklyn” shall be changed to “New York.”

Dated: New York, New York
May 20, 2021

SO ORDERED

SARAH L. CAVE
United States Magistrate Judge